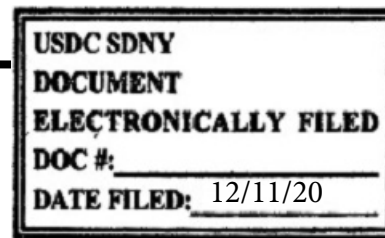


**ELISA HYMAN, P.C.**



December 10, 2020

*BY ECF*

The Honorable Judge Barbara C. Moses  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: *N.S. et al., v. New York City Department of Education, et al.*,  
18-cv-11786 (ALC) (BCM)

Dear Judge Moses:

I represent the Plaintiffs in the above-referenced action. I am writing jointly with Defendants' counsel to request an adjournment of the upcoming settlement conference scheduled for December 17, 2020 and the deadline to provide the pre-conference submissions.

The parties have made progress since our last letter and are moving closer to a potential resolution (or at least a narrowing of the issues). We have reached a tentative meeting of the minds about the number of hours services that were owed under pendency and the hearing officer's December 17, 2015 decision for the 2013-2014, 2014-2015 and 2015-2016 school years. In addition, we would like to try to carve out the time period from December 17, 2015 up and through June 30, 2016 from the administrative decision of the State Review Officer ("SRO"), which we referenced in our last letter, and which ordered compensatory pendency for an additional four year period. We have not yet begun substantive discussions about (a) the length of time that the student would be able to use the services; (b) the rates and/or mechanisms for the services; (c) the mechanism for funding the services; or (d) attorney's fees. Neither party has reached a firm decision as to whether they will appeal all or part of the SRO's decision; the deadline for doing so would be January 14, 2020. Thus, the parties are cognizant of that deadline and its impact on the ability of the parties to settle these narrow claims.

As these discussions are ongoing, Defendants are not yet able to apply for settlement authority from the Comptroller's Office, and accordingly cannot participate productively in a settlement conference at this time. Given the progress this week, Plaintiffs are willing to provide time-slips, but we reserve our right to supplement the entries if approval is not obtained shortly. However, as noted above, there are other outstanding issues.

As the parties are unable to engage in negotiation to the above, we request an adjournment of the December conference and propose that the parties appear for the January 2020 scheduled conference and provide a status update to the Court. After the parties further discuss substantive terms, and Plaintiffs' counsel provides their time slips, Defendants will seek settlement authority.

Thank you for Your Honor's consideration of this request.

Sincerely,

/s/ Elisa Hyman

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Elisa Hyman  
*Counsel for the Plaintiffs*

cc: Andrew Rauchberg, Esq.

Application GRANTED. The settlement conference currently scheduled for December 17, 2020, at 2:00 p.m. is hereby ADJOURNED *sine die*. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

Barbara Moses, U.S.M.J.  
December 11, 2020